IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3314 OF 2004

Ramchandra Pandurang Honmukhe .. Applicant.
Vs.
State of Maharashtra .. Respondent.

ALONGWITH

CRIMINAL APPLICATION NO.3404 OF 2004

1.Shashikant Bansi Karale ..
2.Shivaji Namdeo Choundkar .. Applicants.
Vs.
State of Maharashtra .. Respondent.

Mr.R.V.More in C.A.No.3314/2004 and Mr.V.V.Purwant in C.A.No.3404 for the applicants.

Mr.V.B.Konde-Deshmukh APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 26TH AUGUST, 2004

P.C.:

. Heard Mr.More and Mr.Purwant, learned counsel for the applicants and Mr.Konde-Deshmukh, learned A.P.P. for the respondent.

2. The applicants in these two applications have approached this court for being released on bail in C.R.No.152 of 2004 registered at Vishrambag police station, Sangli under sections 120-B, 465, 471 read with 34 of Indian Penal Code and under

section 7 and 13(1)(d) read with section 13(2) of the Prevention of Corruption Act. The applicant in application No.3314/2004 was Assistant Commandant while the applicants in Application No.3404 were Police Inspectors of SRPF and at the relevant time were posted at SRPF Group No.7, Daund. It is the prosecution case that the applicants and one Dattu Ram Shejal, who was Commandant at the relevant time, conspired to select 31 candidates in the process of recruitment of Armed Police Constables conducted between 21.2.2004 and 24.2.2004 by accepting a bribe from the concerned candidates. It is alleged that Rs.1,20,000/- were collected from each of the candidates for their selection and the amount was distributed amongst all the accused. According to the prosecution Rupees 29 Lacs were paid to the main accused Shejal. The applicant in Application No.3314/2004 was paid Rs.40,000/-, while applicant nos.1 and 2 in Application No.3404/2004 were paid Rs.3,00,000/- and Rs.40,000/- respectively. Undoutedly the allegations against all the applicants are of serious nature and the material on record show their complicity. The case of the prosecution, however, rests on the documents.

3. Mr.More and Mr.Purwant, learned counsel appearing for the applicants in both these applications submitted that the main accused Shejal has already been released on bail. All the documents are already taken in custody by the investigating agency. The applicants have been suspended after registration of the offence against them. They are in custody since 20th July, 2004 and presently, they are in judicial custody. Mr.More further submitted that except the alleged crime under the provisions of the Prevention of Corruption Act the alleged offences under the provisions of Indian Penal Code are bailable. In so far as the offences under the provisions of Prevention of Corruption Act are concerned, the maximum punishment is seven years and in view thereof the applicants are entitled for bail. The submissions of the learned counsel for the applicants were not controverted by the learned A.P.P. However, he submitted that the investigation is still going on and if the applicants are released on bail the investigation is likely to be hampered and the applicants may possibly tamper with the evidence. Considering the apprehension expressed by the learned A.P.P. and also the reasons recorded by the learned Judge for

rejecting their application for bail, in my opinion, stringent conditions would suffice.

. The applicants are directed to be enlarged on bail on their furnishing a personal bond of Rs.50,000/- each with one or two local sureties of the like amount to the satisfaction of the trial court, subject to the conditions that the applicants shall report office of Anti Corruption Bureau, Pune on every Monday and Friday between 11 am and 1 pm until filing of the chargesheet and thereafter on every Friday between 11 am and 12 noon until the conclusion of their trial. If the applicants make an attempt to tamper with the evidence it is open for the prosecution to apply for cancellation of bail.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)